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Letter dated 23 July 2010 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council

On behalf of the unified command established pursuant to Security Council resolution 84 (1950) of 7 July 1950, I have the honour to submit a special report to the Security Council prepared by the United Nations Command on the special investigation of the sinking of the Republic of Korea ship *Cheonan* (see annex).

I should be grateful if the present letter, together with its annex, could be circulated as a document of the Security Council.

(*Signed*) Susan E. **Rice**

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Annex to the letter dated 23 July 2010 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council

Special investigation of the sinking of the Republic of Korea ship *Cheonan*

1. General

On 26 March 2010, the Republic of Korea ship *Cheonan* (PCC 772) (hereafter the *Cheonan*) was sunk at or near the island of Paengyong-Do (PY-Do). On 20 May 2010, a Republic of Korea-led multinational civil-military investigation completed its near two-month investigation of the incident implicating north Korean military involvement in the sinking. Acting under article II, para. 27, of the Korean War Armistice Agreement of 1953 (AA), and section VII, paragraph 51, of UNC Regulation 551-4 (Compliance with the Armistice Agreement), the United Nations Command (UNC) Senior Member of the Military Armistice Commission (MAC) directed the UNCMAC Secretary to establish a Special Investigation Team (SIT) to ascertain all facts concerning the incident and assess whether the AA was violated (enclosure 1).[1] Per UNC Senior Member request, the Neutral Nations Supervisory Commission (NNSC) composed of three different sections, observed the conduct of the SIT during its investigation (enclosure 2[1]). The multinational composition of the SIT, composed of nine different nations, and its mission and task organization is reflected at enclosure 3.[1] Information contained in this investigative report was obtained from a series of both classified and unclassified reports, briefings and documents from the Republic of Korea Ministry of National Defence (MND) Civil-Military Joint Investigation Group (JIG), United States investigative teams to the JIG, UNC documents and various open source materials. A listing of the reference material and applicable portions thereof are at enclosure 4.[1]

2. Findings of fact

Clear and convincing evidence[2] supports the following:

a. Applicable AA and UNC Regulation 551-4 provisions

1) The Korean People's Army (KPA) agreed on 27 July 1953 to "accept and to be bound by the conditions and terms of" the AA [Preamble, Ref (a)][3]

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[1] Not included in the present document. The enclosure contains the report of NNSC on its observation of the investigation.

[2] To be clear and convincing, evidence must leave no serious or substantial doubt as to the correctness of the conclusion in the mind of objective persons, after considering all the facts. It is a higher degree than a preponderance of the evidence standard, but it does not require proof beyond a reasonable doubt. [Para. 0214 JAGINST 5800 7E W/CH2].

[3] See also International Agreement between the Republic of Korea and north Korea on "Agreement on Reconciliation, Nonaggression and Exchanges and Cooperation between the South and the North", dated 13 December 1991 (in which both parties agreed at Article 5 to "abide by the present Military Armistice Agreement (of July 27, 1953) until such time as a state of peace has taken hold").

2) The AA's stated objective is to "establish an armistice which will insure a complete cessation of hostilities and of all acts of armed force in Korea until a final peaceful settlement is achieved." [Preamble, Ref (a)]

3) The AA obligates the opposing sides to "order and enforce a complete cessation of all hostilities in Korea by all armed forces under their control, including all units and personnel of the ground, naval, and air forces." [Paras. 12 and 17, Ref (a)]

4) The AA placed the island of "Paengyong-Do" under the military control of Commander-in-Chief (now Commander), UNC. [Para. 13b, Ref (a)]

5) The AA applies to "all opposing naval forces" and requires such naval forces to "respect the waters contiguous to the land of Korea under the military control of the opposing side." [Para. 15, Ref (a)]

6) The AA requires the opposing sides to "observe both the letter and the spirit of all the provisions of" the AA. [Para. 17, Ref (a)]

7) The AA "shall remain in effect until by provision in an appropriate agreement for a peaceful settlement at a political level between both sides." [Para. 62, Ref (a)][4]

8) The UNC regulation on compliance with the AA defines an AA violation as "an action taken by any party to the [AA] that violates any provisions thereof, or violates the clearly understood spirit and intent pertaining to any provisions thereof" and then defines classification of AA violations as either "major" or "minor" while providing a non-exhaustive list of examples of such [Paras. 44-46, Ref (b)]

a) The intrusion into waters contiguous to the land area of the opposing side constitutes a major violation of the AA. [Para. 45, Ref (b)][5]

b) The firing of weapons into the territory under control of the opposing side constitutes a major violation of the AA. [Para. 45.b, Ref (b)]

c) The intrusion of armed vessels of the opposing side into waters contiguous to the land area of Korea of the opposing side constitutes a major violation of the AA. [Para. 45.d, Ref (b)]

d) A firefight or other combat between KPA/Chinese People's Volunteers and UNC personnel, ships or aircraft constitutes a major violation of the AA. [Para. 45.f, Ref (b)]

b. Events surrounding sinking

1) On 26 March 2010 at or about 2100, the *Cheonan* was conducting a routine patrol in an assigned sector in the vicinity of PY-Do on a course and speed

[4] This provision is supported by United Nations Security Council action in 1996 when the Council made its most definitive statement on the status of UNC since its original resolutions of the 1950s. The President of the Council made a statement on behalf of the Council regarding an incident in which a north Korean submarine foundered on the Republic of Korea coast, "urg[ing] that the Korean Armistice Agreement should be fully observed" and "stress[ed] that the Armistice Agreement shall remain in force until it is replaced by a new peace mechanism" (S/PRST/1996/42, dated 15 October 1996).

[5] The AA does not define or otherwise elaborate on the meaning of "water contiguous to" a land area. Any evaluation of such must rely upon a totality of the circumstances.

of 327° and 6.5 kts respectively [Pg 1 & Pg 241, Ref (q), Ref (c); see also Pg 9-1, Ref (d)]

2) The maritime weather on 26 March 2010 had a visibility of 2.5 nm, sunset at 1859, moonset at 0356, an 82 per cent illumination, and sea states of 3 m. [Pg 225, Ref (q); see also Ref (e), Pg 9-1, Ref (d)]

3) As there were no other incidents of hostilities or acts of armed force on 26 March 2010, the *Cheonan* crew was not manning firing positions or conducting any battle drills. [Pg 2, Ref (q); see also Ref (c), Ref (m)]

4) Given the environmental conditions at 2122 on 26 March 2010 and the state of passive sonar, the *Cheonan* did not detect any enemy contacts in its patrol area. [Pg e & Pgs 1-2, Ref (q), Ref (c); Ref (g)]

5) No other friendly vessels were in the vicinity of the *Cheonan* while it patrolled, as the closest friendly vessel was the Republic of Korea Ship *Sokcho* (hereafter the *Sokcho*) patrolling their sector almost 26.5 nm away. [Ref (c); Pg 9-1, Ref (f); see also Ref (d)]

6) At 2122, without warning, the *Cheonan* was hit by an explosion 1.59 nm SW of Py-Do (37°55'45"N 124°36'02"E), which resulted in her almost immediate sinking and loss of 46 Republic of Korea sailors. [Pgs a-e & Pgs 1-4, Pgs 241-241, Ref (q); see also Pg 1, Ref (g), Pg 9-1, Ref (d)]

7) A Republic of Korea sentry on the shore of PY-Do stated that he witnessed an approximate 100 m high "pillar of white flash" for 2 to 3 seconds at the approximate time of the explosion — demonstrating his ability to see the incident location from PY-Do. [Pg b, Ref (q), Pg 3, Ref (h)]

8) Seismic and infrasound sensors along PY-Do at the time of incident were able to track impulse curves from the explosion. [Pg b, Ref (q), Pg 3, Ref (h); Pg 84-86, Ref (i); see also Ref (m)]

9) The *Sokcho* was immediately dispatched at 2131 to respond to the sinking of the *Cheonan* and arrived on scene at approximately 2255. [Ref (q), Ref (c), Ref (f); see also Ref (m)]

10) On arrival to the scene at 2255, the *Sokcho* identified a positive radar contact within the *Cheonan* patrol box tracking at 018° and 42 kts. [Ref (c); Ref (f); Ref (p)]

11) At 2259, on the recommendation of the Captain of the *Sokcho* and on the order of the Second Republic of Korea Fleet Commander, the *Sokcho* initiated two warning shots with their 76-mm gun to its positive radar contact tracking at 35° and 40 kts and then initiated 133 rounds of direct fire with its 76-mm gun at 2301 at the positive radar contact tracking at 15° and 43 kts — lasting 4 mins., 33 secs. [Ref (c); Ref (f); Ref (p)]

12) Following the engagement, the positive radar contact was determined to be birdlife. [Ref (c); Ref (p)]

13) At no time did the *Sokcho* engage an opposing force or intrude upon waters contiguous to any land area of Korea under the military control of the KPA. [Ref (c); Ref (f); Ref (p)]

c. Subsequent investigation

1) The Republic of Korea MND established its JIG on or about 31 March 2010 to ascertain the cause of the sinking of the *Cheonan* through scientific and objectively precise investigative means. [Pg 4, Ref (q), Slides 3-5, Ref (j)]

2) The JIG was composed of 25 experts from 10 Republic of Korea agencies, 22 Republic of Korea military experts, and 24 multinational experts constituting 4 support teams from the United States, Australia, the United Kingdom, Sweden, and Canada, and was divided into 4 separate teams — Scientific Investigation Team, Explosive Analysis Team, Ship Structure Management Team and Intelligence Analysis Team. While not cited or included in the JIG operations brief or press release numbers relative to the composition of the JIG, New Zealand did participate as a member of the Multinational Combined Intelligence Task Force under the JIG. [Pg a, Ref (q), Pgs 1 and 5, Ref (h); Slides 3-5, Ref (j)]

3) The Republic of Korea Government quickly initiated salvage operations to recover the segments of the hull of the *Cheonan* from the seabed, recovering the stern on 15 April 2010 (37°55'40"N 124°36'05"E), the bow on 24 April 2010 (37°54'22"N 124°41'01"E) and having completed salvage operations on or about 20 May 2010 [Pgs 8-9, Ref (q), Ref (g); Ref (k); Ref (l)]

4) Analysis of the recovered portions of the *Cheonan* began almost immediately upon recovery of the hull and continued through publication of the JIG's report on 10 June 2010. [Ref (q), Ref (g); Slides 10-13, Ref (j)]

5) Early analysis based on results of visual inspection of the salvage hull and interior as well as various modelling and scientific methodologies from various sources quickly identified 15 possible causes that could have resulted in the sinking of the *Cheonan* (gun magazine(s) explosion; fuel tank explosion; catastrophic diesel engine failure/conflagration; catastrophic gas turbine engine failure/conflagration; bottom mine; moored influence mine; contact mine; under keel torpedo; contact torpedo; surface explosion; ballistic contact; improvised explosive device (IED)/non-contact mine; hogging/sagging/welding failure/material fatigue failure; grounding; and collision with submarine or other object); however, 13 were ruled out and focus shifted to an external underwater explosion (moored influence mine and under keel torpedo). [Ref (q), Slides 2, 21 and 25, Ref (g); Ref (k); Ref (l)]

6) Starting on 10 May 2010, the JIG initiated a recovery operation that involved two trawlers equipped with a special net to try to recover critical evidence around the point of the explosion, eventually leading to the recovery of torpedo parts at approximately 0925 on 15 May 2010 from the seabed (37°55'45"N 124°36'02"E) near the explosion point that included a distinctly unique 5x5 bladed contra-rotating propeller set, a propulsion motor and a steering section. [Pgs c-d, Ref (q), Slides 3-8, Ref (g); Pg 6, Ref (h); Slides 10-38, Ref (j); see also Ref (m) and Ref (n)]

a) The torpedo evidence matched in size and shape the specifications on drawings presented in introductory materials provided to foreign countries by north Korea relative to a north Korean-made CHT-02D torpedo available for export and possessing a net explosive weight of up to 250 kg and acoustic/wake homing and passive acoustic tracking capability. [Pgs c-e & Pgs 232-240, Pg 4-7 (Ref (h)]

b) The Hangul marking on the torpedo evidence was consistent with marking of a previously obtained north Korean torpedo. [Pg 6, Pg 238, Ref (q), Pg 4, Ref (h)]

c) The physical condition of the torpedo evidence, including marine growth and corrosion, is consistent with that of a weapon that would have caused the sinking and had been exposed to the environmental elements for the period of time between the sinking and the recovery of the torpedo remains. [Pg 239, Ref (q), Pg 4, Ref (h); Ref (e); see also Ref (m)]

d) The north Korean military is known to be in possession of a fleet of various submarines and torpedoes of various capabilities including acoustic/wake homing torpedoes with a net explosive weight of about 200 to 300 kg — which can deliver the same level of damage that was discovered to the *Cheonan* hull. [Pgs d-e, Ref (q), Ref (e); Ref (e); Pg 5-7, Ref (h); see also Ref (d) and Ref (m)]

e) It was confirmed that a few small north Korean submarines and a mother ship supporting them left a north Korean naval base in the West Sea 2 to 3 days prior to the attack and returned to port 2 to 3 days after the attack, and that all submarines from neighbouring countries were either in or near their respective home bases at the time of the incident. [Pgs d-e, Ref (q), Ref (e); Pg 9-5; Pg 6, Ref (h); see also Ref (d), Ref (m) and Ref (n)]

7) After nearly 2 months of investigation and multiple interim press releases on status, the JIG announced its findings on 20 May 2010. [Pg a, Ref (q), Slides 5-9, Ref (g); Page 1, Ref (h)]

a) The JIG concluded a strong underwater explosion generated by the detonation of a homing torpedo (with a net explosive weight of between 200 and 300 kg) below and to the left of the gas turbine room caused the *Cheonan* to split apart and sink. [Pg e & Pg 243, Ref (q), Slides 10-40, Ref (j); Pg 1, 4-6, Ref (h); Ref (g)]

b) The JIG concluded, based on all such relevant facts and classified analysis and the lack of any other plausible explanation, that the *Cheonan* was sunk as the result of an external underwater explosion caused by a torpedo made in north Korea and that the evidence pointed overwhelmingly to the conclusion that the torpedo was fired by a north Korean submarine. [Pg e, Ref (q), Pg 7, Ref (h); see also Ref (d), Ref (m) and Ref (n)]

8) The probable firing position of the north Korean submarine utilizing a CHT-02D torpedo is within 2 to 3 nm from PY-Do. [Ref (e); see also Ref (d) and Ref (m)]

9) No other plausible or compelling (i.e., reasonable) alternatives to a north Korean submarine armed attack against the *Cheonan* can be identified from the evidence. [Pgs a-e, Ref (q), Pg 7, Ref (h); see also Ref (d), Ref (m) and Ref (n)]

10) No other nation's submarines were capable of sinking the *Cheonan* when considering location, time, space and capability. [Pg e, Ref (q), Pg 6, Ref (h); see also Pg 9-2, Ref (d), Ref (m) and Ref (n)]

11) North Korean military forces were the only forces capable of sinking the *Cheonan* when considering the capability and pattern of activity of its submarines and other supporting capabilities and assets at the time of the attack and in the

months prior to the attack. [Pgs c-d, Ref (q), Pg 5-7, Ref (h); see also Pg 9-2, 9-5, 9-7 and 9-8, Ref (d), Ref (m) and Ref (n)]

3. Opinions

Although the SIT applied the clear and convincing standard in conducting its assessment, our conclusion is that the evidence is so overwhelming as to meet the higher standard of beyond reasonable doubt[6] for the following:

a. The Republic of Korea JIG and Second Republic of Korea Fleet briefings and reports and the United States investigative teams' briefings and reports are credible and objective materials. [FF a-c; Ref (c)-(l) and Ref (o)-(p)]

b. The *Cheonan* was sunk as a result of a hostile act and an act of armed force in Korea. [FF b-c]

c. The sinking of the *Cheonan* occurred in waters contiguous to a land area of Korea under the military control of the Commander, UNC. [FF b-c]

d. The sinking of the *Cheonan* was the result of north Korea's KPA military forces' deliberate and premeditated action. [FF b-c]

e. The KPA's failure to order or enforce a complete cessation of all hostilities in Korea by all armed forces under their control, specifically their naval forces, constitutes a violation of the AA. [FF a-c]

f. The KPA's failure to respect the waters contiguous to the island of PY-Do, a land area of Korea under the military control of the Commander, UNC, constitutes a violation of the AA. [FF a-c]

g. The KPA military's armed intrusion and/or firing of a torpedo into the waters contiguous to the island of PY-Do, a land area of Korea under the military control the Commander, UNC, constitutes a violation of the AA. [FF a-c]

h. The KPA military's deliberate and premeditated armed attack and sinking of the *Cheonan*, resulting in the death of 46 Republic of Korea sailors, constitutes a violation of the AA. [FF a-c]

i. The KPA military's armed attack and sinking of the *Cheonan* also constitutes a violation of the spirit and intent of the AA. [FF a-c]

j. The KPA's actions in failing to order or enforce a complete cessation of all hostilities in Korea, failing to respect the waters contiguous to the island of PY-Do, making an armed intrusion and/or firing of a torpedo into the waters contiguous to the island of PY-Do, and their deliberate and premeditated armed attack and sinking of the *Cheonan*, resulting in the death of 46 Republic of Korea

[6] See for example, Para 2-5-12, DA Pamphlet 27-9 ("A 'reasonable doubt' is not a fanciful or ingenious doubt or conjecture, but an honest, conscientious doubt suggested by the material evidence or lack of it in the case. It is an honest misgiving generated by insufficiency of proof of guilt. 'Proof beyond a reasonable doubt' means proof to an evidentiary certainty, although not necessarily to an absolute or mathematical certainty. The proof must be such as to exclude not every hypothesis or possibility of innocence, but every fair and rational hypothesis except that of guilt.").

sailors, constitute major violations of the AA per UNC regulation on compliance with the AA, reference (b). [FF a-c]

k. The *Sokcho*'s actions in response to the sinking of the *Cheonan* were not in violation of either the letter or the spirit of all the provisions of the AA.[7] [FF a, c]

4. Recommendations

a. No further UNC investigation warranted.

b. Report SIT findings to the United Nations Security Council.[8]

c. Request General Officer-level talks with the KPA in order to open dialogue with the KPA relative to the *Cheonan* sinking.[9]

d. Request the KPA to facilitate the dispatch of a Joint Observation Team per the terms of paragraph 27 of the AA in order to investigate these violations of the AA and facilitate the MAC's settlement through negotiations of these violations of the AA.[10]

e. Request the Chinese People's Volunteers[11] to return to the MAC in order to facilitate the MAC's settlement through negotiation of these violations of the AA.

f. Consistent with paragraph 60 of the AA, recommend to the governments of the countries concerned that an appropriate agreement for a peaceful settlement at a political level be reached.

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[7] No opinion was formulated as to *Sokcho* actions relative to the UNC/CFC Armistice Rules of Engagement, with Changes 1-3, dated 29 April 96, as that was viewed outside the purview of this SIT.

[8] Security Council resolution 84 (1950) "requests the United States to provide the Security Council with reports as appropriate" and Security Council resolution 85 (1950) "requests the Unified Command to provide the Security Council with reports as appropriate".

[9] General Officer-level talks are a means of dialogue between the UNC and KPA outside the context of the MAC as the KPA has refused to participate in the MAC since the Commander, UNC appointed a Republic of Korea officer as the UNC Senior Member in April 1994.

[10] The KPA communicated at 1100 on 20 May 2010 to the Republic of Korea Minister of National Defence, not UNC, intent to send a KPA "inspection group" to the Republic of Korea in order to "inspect and confirm the evidence" regarding the sinking of the *Cheonan*. Republic of Korea MND responded to the KPA on 21 May 2010 indicating the matter would "be handled under the [AA] maintenance system" and the KPA would "have to respond faithfully" to such. The KPA at 0956 on 22 May 2010 responded by indicating this was a "North-South issue," "that there is no justification at all to involve the [MAC] which has become nothing more than a name" and that it desired to be presented "material evidence" demonstrating their involvement in the sinking "with no shred of doubt".

[11] This is supported by China's prior involvement in the MAC before 1994 and Security Council resolution 88 (1950), dated 8 November 1950 (inviting the People's Republic of China to Security Council discussions of the Korean question); General Assembly resolution 498 (V), dated 1 February 1951 (finding the People's Republic of China had "itself engaged in aggression in Korea"); and General Assembly resolution 711 (VII), dated 28 August 1953 (recommending that the United States, north Korea, the People's Republic of China, Russia, the 15 other United Nations Member States contributing forces to the unified command, and the Republic of Korea participate in a peace conference).

5. Point of contact

Point of contact is Major Sean Miller, UNCMAC ASEC-O (sean.d.miller2@korea.army.mil) at 724-7309.

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As observed by:
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Lieutenant Colonel, Polish Army
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Major, Swiss Army
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Enclosure

To:

Major General Yoon Young Bum
Senior Member
UNCMAC

Neutral Nations Supervisory Commission report on the special investigation of the sinking of the Republic of Korea ship *Cheonan*

References

This NNSC report is based on the following documents:

Ref (a): Armistice Agreement, 27 July 1953

Ref (b): NNSC Expanded Tasks 2007

Ref (c): Letter of request to NNSC by Senior Member UNCMAC, 24 May 2010

Ref (d): Commander UNC Report 27 May 2010, Special investigation of the sinking of the Republic of Korea Ship *Cheonan*

Ref (e): US Department of the Navy, JAG instructions 5800.7E CH-2, 16 September 2008

Ref (f): US Department of the Army, pamphlet 27-9, paragraph 2-5-12, 1 January 2010

Orientation

In accordance with paragraph 28 of the Armistice Agreement (AA: ref a) and the decision on Neutral Nations Supervisory Commission (NNSC) Expanded Tasks 2007 (ref b), the NNSC Delegates accompanied the United Nations Command Military Armistice Commission (UNCMAC) Special Investigation Team (SIT) in order to observe the investigation. The NNSC is requested to provide a separate report to the Senior Member (ref c). The NNSC also submits this report to their respective national authorities.

The purpose of the UNCMAC investigation was to ascertain all facts concerning Republic of Korea ship *Cheonan* sinking in waters contiguous to Paengyong-Do (PY-Do) in order to determine if the Armistice Agreement was violated and report the results to the Commander UNC. The SIT team consisted of UNC representatives from Australia, Canada, Denmark, France, New Zealand, Turkey, the United Kingdom and the United States. The United States Member of UNMAC supervised the execution of this SIT.

A comprehensive, unclassified official report has been submitted to the Commander UNC (ref d). UNCMAC's conclusion is that the incident was a

violation of the AA, stating that the Korean People's Army (KPA) has beyond a reasonable doubt[a] launched a torpedo against the *Cheonan* on 26 March 2010.

NNSC Mission

NNSC was requested by the UNCMAC Senior Member to observe the special investigation of the Republic of Korea ship *Cheonan* sinking (ref e).

SIT set up and NNSC involvement

Three NNSC Delegates, Colonel Johan Eneroth from Sweden, Lieutenant Colonel Bogdan Pidanty from Poland and Major Marc Ehrensperger from Switzerland, accompanied UNCMAC on the SIT, which was conducted from 21 until 27 May 2010.

The NNSC Delegates observed all steps of the investigation conducted by UNCMAC, and NNSC was given the opportunity to participate in all sessions, briefings, interviews and on-site visits, except for the intelligence briefing.[b]

During the observation the NNSC has, among other things, examined transparency regarding sources, facts, figures and execution.

The SIT was divided into two working groups; one group, with the Polish and Swiss NNSC Delegates, handled operational issues providing answers to the three following questions:

1. Was the *Cheonan* sinking a result of a hostile act or an act of armed force in Korea? (Grounding, mine, torpedo, internal explosion, structure failure, etc.)

2. If there was such an act, did the act occur in waters contiguous to a land area of Korea under the military control of the Commander UNC? In waters continuous to PY-Do?

3. Was the *Cheonan* engaged in conduct that would lead an opposing force to act in self-defence? (Orienting weapons, threatening broadcasts, etc.)

[a] The SIT has used different US Armed Forces standards of proof in order to describe the level of probability that the *Cheonan* was sunk by KPA. These levels are, from the lowest to the highest:
(1) "Findings of facts only if supported by a preponderance of the evidence, i.e., more likely than not" (ref e).
(2) "Facts asserted as highly probable and to be clear and convincing; evidence must leave no serious or substantial doubt", "it is a higher degree than a preponderance of the evidence standard, but it does require proof beyond a reasonable doubt" (ref e).
(3) "Proof beyond a reasonable doubt, means proof to an evidentiary certainty, although not necessarily to an absolute or mathematical certainty" (ref f).

[b] SIT Team Leader briefings, meetings in full session with all SIT participants, visit to the *Cheonan*, Republic of Korea Ministry of National Defence briefing and demonstration of physical torpedo evidence, Joint Investigation Group operational briefing, interview with Second Fleet commander (only Swedish NNSC Delegate), additional intelligence updates. The NNSC Delegates were not allowed to participate during the intelligence briefing. The Swedish representative was provided a scrubbed version of the intelligence briefing and the Polish and Swiss representatives obtained a separable briefing with selected intelligence presented.

The other group handled intelligence issues providing answers to the two following questions:

4: If there was such an act, was it the result of KPA forces? (Yes. No. Undetermined, Probable)

5: Was the subsequent responding action of the Republic of Korea Navy a violation of the AA?

The Swedish representative participated in this group, since a higher disclosure arrangement is in place allowing more detailed intelligence being disclosed.

The sixth question was answered by the entire SIT:

6: Was there a violation of the AA?

NNSC observations

The NSSC Delegates observed that the SIT was:

- conducted with a high level of transparency, except for parts of the intelligence material;
- conducted in a professional manner using relevant facts;
- objective, fact-oriented and accurate;
- based on multiple independent and reliable sources.

NNSC conclusions

The NNSC concludes that:

- based on the information made available to the NNSC, we conclude that the AA was violated in conjunction with the sinking of the *Cheonan*.
- the NNSC supports the recommendations of the SIT (ref d).
- the SIT was executed in a comprehensive and professional manner.
- the SIT has been executed in a sufficiently transparent manner, however improvements should be made regarding access to classified material.
- the SIT in itself was not violation of the AA.

NNSC recommendations

The NNSC recommends that:

- the SIT report and this NNSC report should be submitted to the United Nations Security Council.
- the Commander UNC should invite the Korean People's Army (KPA) and the Chinese People's Liberation Army (CPLA) to pursue the investigation of the *Cheonan* incident within the AA framework.
- the Commander UNC should request the KPA and the CPLA as a successor to the Chinese People's Volunteers, to return to the Military Armistice

Commission (MAC) in order to facilitate the MAC's settlement, through negotiations, of these violations of the AA.

- the Commander UNC should recommend to the Governments of the countries concerned to negotiate a peaceful settlement of the conflict at the political level.

- in order to reach a sufficient level of transparency, a system should be put in place ensuring NNSC to have access to classified information at the same level as the troop sending nations, as required.

(*Signed*) Christer **Lidstrom**	(*Signed*) Jean-Jacques **Joss**	(*Signed*) Anatol **Wojtan**
Major General	Major General	Major General
Swedish Member to the NNSC	Swiss Member to the NNSC	Polish Member to the NNSC

Mailing List

To:

- Senior Member UNCMAC
- Swedish Ministry of Foreign Affairs, Stockholm
- Federal Department of Foreign Affairs, Berne
- Polish Ministry of Foreign Affairs, Warsaw

Copy to:

- Swedish Ambassador to the Republic of Korea (H.E. Lars Vargo)
- Swiss Ambassador to the Republic of Korea (H.E. Thomas Kupfer)
- Polish Ambassador to the Republic of Korea (H.E. Marek Calka)
- DCS UNC (Major General Lawrence Wells)
- Secretary UNCMAC (Colonel Kurt Taylor)
- Swedish Delegation to NNSC
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